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REMARKS

As a preliminary matter, Applicants undersigned attorney appreciates the courtesy extended during the recent telephone interview. Applicants enclose a revised Declaration of Marty Cox and a Declaration of Christi Cox to rebut the Examiner's assertion of obviousness.

Claims 1, 3, 4 and 6-15 are pending in the application with claims 7-15 being withdrawn.

Claims 1, 3, 4 and 5 stand rejected under as being unpatentable over Pazar (U.S. Publication 2003/0167706) in view of Takemoto (U.S. 4,219,596). Applicants respectfully traverse the rejection.

Claim 1 recites a decorative carapace for a burial vault including, among other things, a substrate is formed from a material selected from the group of polyceter, polypropylene, polyethylene, vinyl, acetate, acrylic, polystyrene, or polycarbonate which is adhered to a carapace using adhesive.

As acknowledged by the Examiner Pazar fails to disclose the recited substrate. However, the Examiner asserts that Takemoto not only teaches the recited substrate but further provides motivation to modify Pazar by including a substrate as recited in claim 1 of Applicants' invention.

The Examiner's assertion of obviousness is misplaced because the proposed modification is contrary to explicit teachings of Pazar. How can it be obvious to modify the teachings of a reference if the proposed modification flies in the face of the problem being addressed by that reference? Pazar discloses :

Historically, floods have been known to carry away burial vaults. When floodwaters recede, burial vaults have been found far away from cemetery grounds, sometimes miles from the original burial site. It has heretofore been necessary to open such displaced vaults and attempt to identify the remains of the deceased and determine the exact location from which the vault was

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moved. Even if a burial vault is not moved, it is possible that burial records identifying the deceased could be lost over time, thus making it necessary to access the remains within the vault in order to attempt to identify the deceased. Pazar, Paragraph [0002].

Pazar further discloses:

Although some caskets or burial vaults contain exterior nameplates that identify the deceased, these nameplates do not provide complete identifying information, tend to decompose as a result of long exposure underground, and can become illegible over time. It would therefore be desirable to develop a reliable method for fully identifying the deceased contained within a burial vault and the precise burial location of the vault, without having to open the vault and examine its contents. Pazar, Paragraph [0004]

And further:

Thus, there is a need to provide a system, method and apparatus with archival quality records that can be easily accessed from outside a burial vault to fully identify the deceased, the exact location of his interment and perhaps even the nature of his personality and interests a century or more after burial. Pazar, Paragraph [0008]

It is clear that the problem being addressed by Pazar concerns the need for providing the carapace or burial vault with permanent identification. According to one aspect of Pazar's invention the carapace is formed with a receptacle for receiving a hermetically sealed tube containing identification information. According to a second aspect, a metal name plate 2310 is adhered to the lid 11 providing an additional means of identification. See Paragraph [0084]

The Examiner's suggestion to modify Pazar by replacing a metal nameplate with a plastic substrate contradicts and renders moot the essential purpose of providing permanent identification. In fact, Takemoto teaches that the labels may be too thin to be manually removed from a carrier web. Surely, the Examiner must realize that Takemoto's labels cannot provide the type of permanent identification which afterall is the object of Pazar's disclosure.

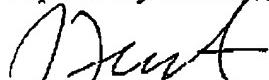
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In summary, Takemoto's disclosure does not provide the motivation to modify Pazar since such modification is contrary to the essential teachings of Pazar.

For at least these reasons, Applicants respectfully request that the rejection of claims 1, 3, 4 and 5 be reconsidered and withdrawn.

Should any questions arise regarding this application, the Examiner is invited to contact the undersigned attorney.

Respectfully Submitted,



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